

## Commodity Credit Corporation, USDA

## § 1435.2

### § 1434.18 Death, incompetency, or disappearance; appeals; other loan provisions.

(a) In the case of death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan, payment shall, upon proper application to the county office which made the loan, be made to the persons who would be entitled to such producer's share under the regulations contained in part 707 of this title. Applications for loans may be made upon application of a representative of the producer as allowed under standard practice for farm programs.

(b) Appeals of adverse decisions made under this part shall be subject to the provisions of 7 CFR parts 11 and 780.

(c) The Executive Vice President, CCC, may impose such additional loan conditions as are determined to be necessary or appropriate to insure that the purposes and goals of the program provided for in this part are met.

## PART 1435—SUGAR PROGRAM

### Subpart A—General Provisions

Sec.

1435.1 Applicability.

1435.2 Definitions.

1435.3 Maintenance and inspection of records.

### Subpart B—Loan Program

1435.100 Applicability.

1435.101 Administration.

1435.102 Loan types.

1435.103 Loan rates.

1435.104 Eligibility requirements.

1435.105 Availability, disbursement, and maturity of loans.

1435.106 Loan maintenance.

1435.107 Loan settlement and foreclosure.

1435.108 Storage facility requirements.

1435.109 Processor storage agreement.

1435.110 Miscellaneous provisions.

1435.111 Applicable forms.

### Subpart C—Sugar Marketing Assessments

1435.200 General statement.

1435.201 Marketing assessment rates.

1435.202 Remittance.

1435.203 Civil penalties and interest.

1435.204 Refunds.

1435.205 Special rules for fiscal years 2000 and 2001.

### Subpart D—Information Reporting and Recordkeeping Requirements

1435.300 General statement.

1435.301 Civil penalties.

AUTHORITY: 7 U.S.C. 7272; and 15 U.S.C. 714b and 714c

SOURCE: 61 FR 37618, July 18, 1996, unless otherwise noted.

### Subpart A—General Provisions

#### § 1435.1 Applicability.

These regulations set forth the terms and conditions under which Commodity Credit Corporation (CCC) will make loans and enter agreements with eligible processors for the 1996–2002 crop years. Additional terms and conditions are set forth in the loan application and the note and security agreement which the processor must execute in order to receive a loan. These regulations stipulate the requirements for making sugar marketing assessment payments to CCC for fiscal years 1996 through 2003 and the information reporting requirements for the 1996–2002 crop years.

[61 FR 37618, July 18, 1996, as amended at 62 FR 34612, June 27, 1997]

#### § 1435.2 Definitions.

The definitions set forth in this section are applicable for all purposes of program administration. The terms defined in part 718 of this title are also applicable.

*Beet sugar* means sugar which is processed directly or indirectly from sugar beets or sugar beet molasses.

*Cane sugar refiner* means a person who processes raw cane sugar into refined crystalline sugar or liquid sugar.

*CCC* means the Commodity Credit Corporation, USDA.

*Crop year* for the 1996 crop means the period from July 1, 1996 through September 30, 1997. *Crop year* for the 1997–2001 crops means the period from October 1 through September 30, inclusive, and is identified by the year in which the crop year begins. For example, the 1997 crop year begins on October 1, 1997. The 1997 crop of sugar beets, sugarcane, or sugar means domestically-produced sugar beets, domestically-produced

### § 1435.3

### 7 CFR Ch. XIV (1-1-01 Edition)

sugarcane, or sugar processed from domestically-produced sugar beets or sugarcane during the 1997 crop year. *Crop year* for the 2002 crop means the period from October 1, 2002 through June 30, 2003. Sugar from desugaring molasses is considered to be from the crop year the desugaring took place.

*First processor* means a person who commercially produces beet sugar or raw cane sugar, directly or indirectly, from domestically-produced sugar beets or sugarcane, or from molasses or thick juice derived from domestically-produced sugar beets or sugarcane.

*Market* means, relative to any first processor, the shipment in conjunction with a sale or other disposition, or the forfeiture to CCC, of beet sugar or raw cane sugar by the first processor of such sugar, and the movement of raw cane sugar into the refining process. Beet sugar or raw cane sugar is deemed to be marketed as of the date of shipment from the first processor's facility, the date on which raw cane sugar was moved into the refining process, or the date on which sugar was forfeited to CCC.

*Nonrecourse loan* means a loan for which the eligible sugar offered as loan collateral may be delivered or forfeited to CCC, at loan maturity, in satisfaction of the loan indebtedness.

*Raw sugar* means any sugar which is to be further refined or improved in quality.

*Raw value* of any quantity of sugar means its equivalent in terms of raw sugar testing 96 sugar degrees, as determined by a polarimetric test performed in accordance with procedures recognized by the International Commission for Uniform Methods of Sugar Analysis (ICUMSA). Direct-consumption sugar derived from sugar beets and testing 92 or more sugar degrees by the polariscope shall be translated into terms of raw value by multiplying the actual number of pounds of such sugar by 1.07. Sugar derived from sugarcane and testing 92 sugar degrees or more by the polariscope shall be translated into terms of raw value in the following manner: raw value =  $\{[(\text{actual degree of polarization} - 92) \times 0.0175] + 0.93\} \times \text{actual weight}$ . For sugar testing less than 92 sugar degrees by the polariscope, derive raw value by dividing the number

of pounds of the "total sugar content" (i.e., the sum of the sucrose and invert sugars) thereof by 0.972.

*Recourse loan* means a loan that requires repayment in full on or before the maturity date and forfeiture of the sugar does not necessarily satisfy the loan indebtedness.

*Sugar* means any grade or type of saccharine product derived, directly or indirectly, from sugarcane or sugar beets and consisting of, or containing, sucrose or invert sugar, including all raw sugar, refined crystalline sugar, liquid sugar, edible molasses, and cane syrup.

*Sugar beet processor* means a person who produces sugar by commercially processing sugar beets or sugar beet molasses.

*Sugarcane processor* means a person who produces raw cane sugar by commercially processing sugarcane or sugarcane molasses.

*Tariff-rate quota* means the total of the aggregate quantities of raw cane sugar and other sugars, syrups and molasses established, or subsequently modified, by the Secretary pursuant to the provisions of additional U.S. note 5(a) to chapter 17 of the Harmonized Tariff Schedule of the United States (HTS) for imports to be entered, or withdrawn from warehouse for consumption, under subheadings 1701.11.10, 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44 of the HTS or successor subheadings.

[61 FR 37618, July 18, 1996, as amended at 62 FR 34612, June 27, 1997]

### § 1435.3 Maintenance and inspection of records.

(a) CCC, as well as any other U.S. Government agency, has the right of access to the premises of any sugar beet processor, sugarcane processor, cane sugar refiner, or of any other person having custody of records that the examining agency deems necessary to verify compliance with the requirements of this part. The examining agency has the right to inspect, examine, and make copies of such books, records, accounts, and other written or electronic data as the examining agency deems relevant.

(b) Each sugar beet processor, sugarcane processor, and cane sugar refiner or any person having custody of the